

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEITH A. THOMPSON,

Petitioner,

vs.

K. DICKINSON, Warden,

Respondent.

No. C 11-3793 JSW (PR)

**ORDER OF TRANSFER**

Petitioner is a state prisoner currently incarcerated at the California Medical Facility in Vacaville. He has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 arguing that the California Board of Parole Hearings has violated his constitutional rights by denying him parole. He is in custody based upon a conviction obtained in Monterey County Superior Court in 1991. Monterey County is located within the venue of this court, but Vacaville, where Petitioner is incarcerated, is located within the venue of the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is

1 the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249  
2 (9th Cir. 1989).


3 Petitioner challenges the denial of parole in this case, and thus it is directed to the  
4 manner in which his sentence is being executed, not to the validity of his conviction.  
5 Consequently, the preferable venue for this case is the district of confinement, in this  
6 case the United States District Court for the Eastern District of California. *See* Habeas  
7 L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

8 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28  
9 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court  
10 for the Eastern District of California.

11 The Clerk of the Court shall transfer this matter forthwith.

12 IT IS SO ORDERED.

13 DATED: August 30, 2011

14   
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

KEITH A. THOMPSON,  
Plaintiff,

Case Number: CV11-03793 JSW

**CERTIFICATE OF SERVICE**

v.

K. DICKINSON et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 30, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Keith A. Thompson  
California Medical Facility  
E98106  
P.O. Box 2000  
Vacaville, CA 95696

Dated: August 30, 2011



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk